

AGAIN ATTEMPTS NEW ROUTE TO TO FREE FORT SHAFTER LANE

City Attorney Tries to Nol-Prosecute Case Even When He Has Nothing to Do With It.

COOPER DENIES THE MOTION

Cathcart Follows Failure With Statement That He Will Now Stop All Prosecution.

Defying his superior in an effort to obtain the release of Edward E. Lane, accused of a rifle assault on a girl under age, City Attorney John W. Cathcart yesterday moved that a nolle prosequi be entered and the defendant dismissed, and upon the refusal of Judge Cooper to grant his demand announced hotly that he would not be a witness for the prosecution in the circuit court case.

The action of the city attorney was unprecedented in the circuit court, as instead of being engaged in the prosecution of the case he is a witness for the defense and has absolutely no jurisdiction over it, it being conducted under the direct supervision of the attorney-general.

Yesterday morning Cathcart announced to Judge Cooper that he intended to enter a nolle prosequi in the case. As Cathcart had never in any way been connected with the prosecution of the case, Judge Cooper took the occasion of calling up the attorney-general. Lindsay stated that he certainly would not agree to any such action and did not know why it had been intimated without any consultation with him.

Judge Cooper explained that as the attorney-general had the sole jurisdiction over the case, he did not see his way to grant Cathcart's request. The attorney immediately arose and announced that as long as Lindsay denied his right to practise in the circuit court, he and his deputies would withdraw from all circuit court prosecution after pending cases are disposed of.

With that he left the courtroom, and the case was set over until Friday.

Lindsay's Statements.

"I am very much surprised at Mr. Cathcart's action," said Attorney-General Lindsay yesterday, "and you can quote me as saying that. He probably forgets that I am his superior in all criminal prosecution, and that the law expressly names him as my deputy. No attorney can, under the law, enter a nolle prosequi without my consent, but I have always left these matters strictly to them and not in any way interfered with city prosecution."

In this instance Mr. Cathcart had absolutely nothing to do with the case, which was being prosecuted under my direction alone, and I can not understand how an attorney with his knowledge of law could possibly find a reason for a nolle prosequi in such a case. I am always being good friends with Mr. Cathcart and I certainly would like to be talked to him before he made any action like that."

"I believe that the appearance of Mr. Andrews as special prosecuting attorney under me was the cause of Mr. Cathcart's action and I think that Mr. Andrews had not been there for some time and would have been made known to me and asked whether the case should be permitted to proceed. I consented and still stand that he shall do so."

"Some time ago Lane pleaded guilty to the police court to a charge of being a lewd person and was sentenced to a year in jail. Mr. McStocker, who is then foreman of the grand jury, came to me and asked whether the grand jury would indict him on a charge of criminal assault. I said I thought they could and it was accordingly done. At that time Mr. Cathcart differed with me on points of law and I understood that he was to have nothing to do with the matter."

Lost All Around.

Lane, as Mr. Lindsay stated, pleaded guilty to a charge of vagrancy after Cathcart and his deputy had managed to get a charge of criminal assault not proved from an affidavit that they requested by the grand jury to get out of the room while they considered the case and afterwards his unconscious attempt to escape of the ever quiet Lane led to a nolle prosequi. Lane was subpoenaed. He now subpoenaed the defense. Lane to appear as a witness for Lane himself, but sent down word that he was sick and has not appeared in court for some time previous to yesterday.

When asked as to what would happen if Cathcart entered out his declaration withdrawing from the circuit court prosecution, Mr. Lindsay smiled and said:

Military Authorities Want School Street Opened to the Reservation.

With an eye to the necessity of having more than one general route leading into Fort Shafter the military authorities are planning the additional sections to the post to raise it eventually to regimental size, as against its present garrison capacity for only a battalion, and figure on having School street extended and opened up to tap the Kahanu reservation.

At present King street is the only direct avenue leading to the post from the city. Much of King street near the reservation are constant indentations which form part of Kalihii buy, and while it is not impracticable to open a thoroughfare below King emerging at the post, nothing is gained in that section.

The extension of streets on the mauka side of King street, however, will be of inestimable value to the military authorities, as it will give them an opportunity to make use of the upper sections of the city, for marching, leaving the lower routes for general traffic. Should the garrison need to be sent to the Nuuanu Pali, a route mauka of King street would be preferable, saving time and shortening up the distance. On the other hand such a thoroughfare opening the reservation to the upper section of the city, would make it a popular driveway to the military post.

So far the Washington authorities have not made known the plans for the extensions of Fort Shafter, but they are being developed, and the site has been selected, surveyed and platted on the maps. This site is the plateau Wai-ling between the two. Camp Ballard, where the militia officers were encamped for instruction recently, was pitched on the proposed extension site.

Battleships Not Coming.

The statement that battleships are coming to Hawaii to test coal or for other purpose this winter, is not borne out by confirmation from the local federal officers. First of all, the Maryland and West Virginia and the vessels making up the Pacific fleet are not battleships. They are mere cruisers and can never attain to the dignity of the battleship class. Several weeks ago it was rumored that a part of the Pacific fleet would come here for maneuvers this winter. This was denied at the naval station at the time, and later another denial was made. It was stated that if any of the vessels came this way at all, they would not arrive until spring.

CHINESE AND CONSUL IN A FINISH FIGHT

Monster Mass Meeting Tonight to Demand His Recall and Protest.

Big red posters were plastered over Chinatown yesterday, and each had its group of interested Orientals deciphering its meaning, and this is what they read:

"Meeting called for Aida Park, Thursday evening at six o'clock, when all Chinese residents will be asked to join in protest against Chinese consul's misrepresentation of Hawaiians as revolutionists; probable indictment of United Chinese Society's demand for consul's recall."

This meeting that the war is on a push between the conservative and progressive Chinamen of the Islands, with the latter apparently in overwhelming force and lined up against the official representative of their home government stationed in Honolulu.

It is expected that the meeting tonight will be a monster one, at which resolutions condemning the course of action of the consul, Liang Kwo Ying, in referring to the home government that certain prominent Chinese merchants in this city were revolutionists, thus endangering their families in China and preventing those here from ever returning to their native land.

It is also more than likely that the meeting will involve the petition of the United Chinese Society for the recall of the consul. Both the petition and the resolutions will be forwarded to the Chinese minister at Washington, Chang Yui Tang, and to the foreign office at Peking.

The officers of the meeting selected are: Chang Pak Sun, chairman; Charles Lai Young, English secretary; and Hsu Jack Sun, Chinese secretary.

It was rumored in the Chinese quarter yesterday that the consul has reported the names of about a hundred more local Chinese merchants as being revolutionists; also that he has tried to forestall any effect of the petition for his recall or the expected resolutions of protest by sending to Peking and to Minister Chung at Washington.

WORKMEN LOSE.

LONDON, December 14.—The lockout of five thousand hattermakers in the English shipyards has resulted in a victory for the employers, who forced the strikers to come to their terms.

IRRIGATION BILL IS REDRAFTED

Important Amendments Made in Text of Proposed Law for Arid Lands.

ARE SENT ON TO WASHINGTON

Takes Sole Approving Power Out of Governor's Hands and Brings in Land Board.

Important amendments to what is properly known as the Kan Ditch Bill were forwarded to John McRosson and the secretary of the interior at Washington yesterday by Governor Frear. These amendments make the proposed act, which is really an amendment to the Organic Act affecting the Territory at large, one which is probably more in accord with universal popular sentiment and which conveys more broad benefits to all classes than any law yet on the statute books.

These changes in the proposed law, said Governor Frear yesterday, were made after consultation with the most prominent lawyers in Honolulu and Hilo as well with the most wellversed and most interested laymen and includes most of the suggestions for improvement made by them.

One of the most important changes takes from the Governor the sole right to approve of the fifty-year leases of arid lands as is provided for in the original bill and makes necessary the consent of two-thirds of the board of public lands as well. The original construction of the bill in this regard was the subject of much unfavorable comment and it is known that a number of the territorial senators were preparing, when the legislature met, to put the stamp of disapproval on this bill for this reason alone.

The arid lands themselves are more particularly described in the amended bill, the terms "arid" and "semiarid" being supplied and it being added that such lands must not have been cultivated within ten years previous to the issuance of the lease.

Rearrange Rentals.

A new paragraph relating to the apportionment of the land to set rentals is inserted. This provides that the rent reserved in the leases shall be the fair value of the lands without the water to be determined from time to time by three disinterested citizens appointed by the Governor with the approval of the land board.

Other changes amend the much mooted question of payments for water and the manner of establishing rates, the bill now according with most of the suggestions advanced by those who originally opposed it on this point alone.

Other changes are mostly minor, a final clause prohibiting the Territory from issuing bonds or lending its credit in aid of any irrigation company.

The amended bill is here printed in full, its importance to the Territory at large being evident. All words and sentences printed in black face type are the amendments newly inserted in the bill while those printed between parentheses are the clauses which have been stricken out and which have no longer a place in the bill. The new text is as follows:

The New Text.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventy-three of an Act entitled, 'An Act to provide a government for the Territory of Hawaii,' approved April thirtieth, nineteen hundred, as amended by Acts approved April second, nineteen hundred and eight, and May twenty-seventh, nineteen hundred and ten, is hereby amended by adding thereto the following:

"The commissioner, with the approval of the governor and of two-thirds of the board of public lands, may lease for not exceeding fifty years to any irrigation company organized for the purpose of developing, storing, conveying and distributing water for irrigation and other purposes, any or all such arid and semiarid public lands as have not been cultivated within ten years prior to the execution of such lease and are capable of being economically irrigated from the waterways of such company. Any lands so leased may, with the consent of the commissioner and approval of the governor, be subleased subject to the provisions hereof to any individual or corporation desiring to use water from the waterways of such company. Any such lease may be made subject to any covenants, conditions or restrictions, with the consent of the holder thereof, if the unexpired term thereof does not exceed three years, without such consent, and shall contain appropriate provisions to secure the construction and maintenance of the necessary irrigation works (for the supplying of such lands with water, and the covering of such works to the Territory upon the determination of the lease, and such other provisions as may be deemed necessary or proper by the commissioner and the governor for the benefit of such lands and their owners and for the public interest. The rent reserved in any such lease shall be the fair rental value of the leased lands without the water as determined from time to time for periods of not more than five years."

(Continued on Page Four)

QUARANTINE FOR ALL MAUI PORTS

Board of Health Lays Partial Restrictions on Traffic With Valley Isle.

EPIDEMIC IN TWO DISTRICTS

Seven Deaths Have Occurred Out of Eighty-Six Cases So Far Found.

Hereafter, for an indefinite length of time, it will be impossible for any person to get away from the island of Maui without undergoing a stringent examination by a physician and receiving a certificate stating him or her to be free from all infection.

The island has been placed under partial quarantine, the action being taken yesterday by the board of health upon conferring with Acting President Pratt, who returned in the morning from a flying trip to the scene of the epidemic.

Although but a comparatively few hours were spent on the valley island, Doctor Pratt managed to get through a lot of work and when he left, the work of stamping out the diphtheria epidemic, which prevails at present in two districts, was running with increased accuracy and confidence.

Isolation Camp.

He held a conference with Clifford Charles, chief sanitary inspector now on the spot, and heard his report on the situation. Some difficulties were smoothed over and increased precautions were ordered taken. An isolation camp is being prepared and concerted action is now expected to stamp out the disease within as short a time as possible.

There have been so far eighty-six cases on the island, seven of which have resulted in death. Of these eighty are in Makawao while six are in the Waialua district, the disease having just entered the latter. Four in the latter case are at Waialua itself while two are in Spreckelsville.

The center of infection is at Hamakua Camp, where the number of cases has been unusually large. All residents of this camp will be stringently examined, all cases of infection and contacts will be at once isolated and the whole camp given the most thorough fumigation. This, it is hoped, will wipe out what is at present the chief source of infection.

Guards Furnished.

All cases and contacts are being isolated where found, the isolation camp being located at Pua. The quarantine organization is being perfected and identifications have furnished men who will act as guards, special badges having been prepared by the board of health for all employed in the work of stamping out the epidemic.

The action of the board yesterday in imposing a partial quarantine might not result in an order for a complete one, although at present it does not seem likely. Quarantine of some sort was made necessary for the protection of the other islands, the present plan being adopted as imposing the least possible hardship on Maui.

The order goes into effect at once and Vice President James L. McLean, of the Inter-Island Steam Navigation Company, who was present at the meeting yesterday, will issue necessary orders to the Inter-Island vessels at once.

NEW DEVELOPMENT IN REVENUE CASE

Kuhio for Goetz With Wideman for the Position of Deputy.

A new angle to the fight for the interim revenue authorityship was born yesterday when it was rumored that Prince Kuhio had selected candidates and that he was willing to endorse A. H. Goetz for the collectorship, it is said.

Wideman was appointed deputy to Goetz yesterday. This does not simplify the situation to any extent, as the territorial Republican executive committee has endorsed John Rothwell for the collectorship, and has called its decision to Washington. The Governor is understood to be partial to Rothwell, while several others and others in private life who have been leading into Washington are still pulling them for Goetz.

Kuhio was first for Wideman, but eliminates him from the race for the chief office of that bureau and is willing, according to rumor, to put him in for a second place. Such a move would displace Ralph Johnston, the present incumbent and Collector Drake.

Again there is W. P. Fennell, in speaker of the board of liquor license commissioners, whose canvass for the job brought him a telegram from Julius Rubin, the California congressman. The latter's telegram was to Neal Power at Washington, and was dated May 6, 1910, in which the congressman said he would endorse Fennell for the appointment. Fennell is still in the race and will pull with wire he has.

COULDN'T GET IN; POLITICS BARRED

Chamber of Commerce Balks at Indorsement of Rothwell—Bids for Supplies.

The chamber of commerce made a desperate effort to break into politics yesterday at a meeting of its board of trustees, but at the last moment it balked and the calm of untroubled routine again prevailed.

The ball was set rolling by Chairman J. P. Cooke, who stated that he had been requested by a number of civic organizations to bring before the meeting the question of indorsing Rothwell as collector of internal revenue, in opposition to Cottrill, the colored man of Toledo. He added that he did not believe that it was the custom of the chamber of commerce, however, to indorse any candidate for office.

One of the trustees opposed action, asserting that there were several citizens here seeking to get the position and he did not think it wise to take action.

"I don't think we want to butt in," remarked the chairman.

P. Klump, E. D. Tenney, Robert Cotton and R. W. T. Bottomley took part in the discussion which followed and it was the general opinion that the appointment of a Honolulu man was advisable and that such an appointment should be advocated. But not by the chamber of commerce, apparently.

Unfortunate Condition.

"It is very unfortunate that we can not agree upon one man for the place," remarked Mr. Bottomley.

"Is it not the policy of the chamber of commerce not to take political action?" asked one of the trustees.

The chairman said it was, and after a few more remarks the matter suddenly died of exhaustion.

(Continued on Page Four)

COL. SCHUYLER SOON PROMOTED--CHANGES

WASHINGTON, December 15.—The war department has announced the order of the promotions which are to take place on or about January 4, 1911. Col. Walter G. Schuyler, of the Fifth Cavalry, now in command of the department of Hawaii, with headquarters at Schofield Barracks, Lelehu, T. H., will become a brigadier-general.

Col. J. W. Dugan, Sixth Cavalry, with headquarters in Mindanao, P. I., will also be made brigadier-general. These promotions will be in order at the retirement of Brigadier-General Walter Howe and Brigadier-General Earl Dennison Thomas.

Col. R. K. Evans, Twenty-Eighth Infantry, and Col. G. S. Anderson, Ninth Cavalry, will be promoted a few weeks later as brigadier-generals.

Brig. Gen. Charles Libbels Hodges becomes major-general upon the retirement of Maj. Gen. William Penn Duval, now in command of the department of the Philippines; and following the retirement of Major-General Hodges, Brig. Gen. Arthur Murray, now chief of the Coast Artillery, becomes major-general, and Col. Erasmus Morgan Weaver, of the Coast Artillery, becomes brigadier-general and chief of the Coast Artillery.

GIVES MILLIONS FOR PROMOTING PEACE

WASHINGTON, December 14.—Andrew Carnegie, steel king and philanthropist, today announced the gift of ten millions of dollars to be used in promoting world-peace. His gift is in the form of bonds, ten million dollars' worth of which he has transferred to the trustees of Carnegie Institution, Washington, and the revenue from the bonds is to be devoted to hastening the millennial of the advocates of universal peace, resulting from universal action toward abolition of war.

The "Globe" has already made large benefactions to promote world-peace. His most elaborate move in this direction was a gift of \$1,700,000 for the Peace Temple at The Hague.

This does not simplify the situation to any extent, as the territorial Republican executive committee has endorsed John Rothwell for the collectorship, and has called its decision to Washington. The Governor is understood to be partial to Rothwell, while several others and others in private life who have been leading into Washington are still pulling them for Goetz.

Kuhio was first for Wideman, but eliminates him from the race for the chief office of that bureau and is willing, according to rumor, to put him in for a second place. Such a move would displace Ralph Johnston, the present incumbent and Collector Drake.

Again there is W. P. Fennell, in speaker of the board of liquor license commissioners, whose canvass for the job brought him a telegram from Julius Rubin, the California congressman. The latter's telegram was to Neal Power at Washington, and was dated May 6, 1910, in which the congressman said he would endorse Fennell for the appointment. Fennell is still in the race and will pull with wire he has.

FEARFUL OF WAR, CONGRESS ACTS

War Department Makes Startling Report to House.

CANNON WILL NOT ACCEPT

New National Council of Defense Planned in Bill.

WASHINGTON, December 15.—A sensation occurred yesterday when the war department sent to the house of representatives as a secret document its report showing that the country is unprepared for war and that it is inadequately protected in case of invasion.

After several conferences the report was returned to Secretary of War Dickinson, the house refusing to receive it, Speaker Cannon ruling that it could not receive a secret report which necessitated its holding a secret session, which is unprecedented during a century.

It is stated that the report points out that the country is wholly unprepared for war; that there is an inadequate number of men, of guns and of munitions of war.

The recommendations in the report, according to the best information, are for a material increase in the complement of the army; for the reorganization of the army on a more practical basis, and for the formation of a National Council of Defense headed by the secretary of war.

Necessity for Action.

Maj. Gen. Leonard Wood, chief of the general staff of the army, discussed the points made in the report before the military committee of the house and is reported to have gone into detail in connection with the faults under the present system of organization and as to the remedies.

Major-General Wood is stated to have dwelt with particular emphasis upon possible attack from the Orient and advocated immediate action by the government to guard against any possible trouble from China and Japan.

Congressman James McLaughlin, of California, declared that an enemy from the Orient could land 200,000 troops on the Pacific Coast within thirty days, and he, too, accentuated the need of immediate action to safeguard the western shores of the country.

Following a conference with President Taft and Secretary of War Dickinson Congressman Hobson introduced in the house bill embodying the idea of the administration for a National Council of Defense.

Watching Orient.

This concerted action by the war department, congress and the general staff, backed by President Taft, toward perfecting means of defense against possible invasion, particularly on the Pacific Coast, emphasizes the fact that the eyes of the military authorities are turned toward the Orient, scanning the horizon for war clouds.

Among those here who are not bound to secrecy by connection with the war department, it is believed that there is more reason than appears upon the surface for the sudden activities in the department. It is even hinted that the activities of the Japanese government in launching battleship after battleship and ordering, under rush orders, a 20,000-ton armored cruiser in England, has opened the eyes of the military authorities to the unpreparedness of the military forces of this country to repel an invasion.

STEAMERS IN COLLISION.

SEATTLE, December 15.—While making this port in a dense fog yesterday, the steamer Indianapolis rammed and sank the steamer Kinsap, which sank in a short time, and one member of the latter's crew was lost. The officers and all other members of the crew of the Kinsap were rescued by the Indianapolis and brought to this port.

MRS. EDDY'S ESTATE.

CONCORD, December 15.—The filing of the petition for the probate of the will of the late Mrs. Mary Baker Eddy, founder and head of the Christian Science Church, reveals the fact that her estate is valued at \$1,500,000, the major portion of which goes to the church she founded.

MORE BATTLESHIPS.

LONDON, December 14.—Contracts were let today for the two new battleships which will be built by Great Britain at once and equipped with the formidable 13.5-inch guns.